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Consortium Building and Licensing by University Libraries in the Netherlands

by ALEX C. KLUGKIST

THE UKB

There are 13 university libraries in the Netherlands. Together with the Royal Library in The Hague and the Royal Dutch Academy of Sciences in Amsterdam they form an association, *the Association UKB*. The UKB is a voluntary association with no formal legal basis. It is a platform for discussing and developing joint policy in the area of scientific information provision and services in the Netherlands. Her main interests include designing a national information infrastructure, organising loans between libraries, developing digital information services, granting consortium-related licenses, agreeing on pricing policies with respect to publishers, co-ordinating collection development and shared cataloguing and indexing. The UKB co-operates closely with PICA, a Dutch corporation for library automation and information, which was founded by a number of Dutch libraries and is now merged with OCLC. Especially in the field of licensing, the UKB has taken a number of important actions over the last few years: For example, it was on the UKB's initiative that various licensing deals with information providers were concluded. This paper deals with the results achieved so far and reviews some of the experienced successes and problems.

OBJECTIVE/CONDITIONS FOR CONCLUDING LICENSING DEALS

The objective of the UKB's consortium activities is to combine forces in order to raise the level of scientific information services to university students, lecturers and researchers, at the most favourable economic conditions. By means of its licensing policy, the UKB wishes to stimulate and accelerate the development of digital library services. By operating as a consortium, the UKB libraries seek to strengthen their negotiating position with respect to information providers, claim more favourable terms of delivery and receive better service. In addition, the UKB also caters - by its purchasing policy - to the interests of learned societies and non-profit publishers in their publishing activities.

In practice, the UKB's licensing activities are mainly aimed at electronic information (electronic content), because „the market place“ offers more opportunities and negotiating space here than for printed information. As far as printed information is concerned, the „traditional business models“ have so far remained intact, while information providers are inclined to adopt other cost price models for electronic information.

The UKB's main points of departure for its negotiations with information providers are the Licensing Principles as formulated by LIBER¹ and the „Statement of Current Perspective and Preferred Practices and Purchase of Electronic Information“² of the International Coalition of Library Consortia (ICOLC), which was drafted with the involvement of the UKB.

Licensing deals closed by the UKB must be tailored to the needs of the participating libraries, libraries which differ greatly from each other in terms of size and target groups. These deals require the necessary flexibility in contract formulation. In addition, the UKB has taken the position that licensing contracts must preferably contain proper annulment provisions and should ideally offer participants the possibility of interim entrance into a contract or premature termination of a contract.

The UKB's view is that providers with whom licensing deals are concluded must use open standards and provide access to their collections in such a way as to enable seamless integration with local and national information infrastructures. The UKB places great value on the availability of solid management information concerning use of the information provided.

The UKB has a preference for long-term licenses, provided that such licenses are priced more favourably. Besides the pricing issue, a long-term license offers the provider long-term turnover guarantees while providing the library with a firmer basis for its financial planning. In addition, such a construction prevents the annual repetition of time-consuming negotiations. Long-term licensing simplifies administration, logistics and marketing.

OPERATING PROCEDURE

It has taken awhile for the best operating procedure for licensing negotiations to crystallise. In the initial phase, various partners offered their services to the UKB: Examples are SURFdiensten, an organisation which closes software licensing

deals for Dutch universities; Swets Blackwell and EBSCO, agents for periodicals; and PICA.

However, the UKB consortium has itself chosen to enter the licensing market as a player. On the one hand, the UKB would like to be directly involved in the entire negotiating and decision-making process because decisions once taken can deeply affect collection development and library policies. On the other hand, experience has shown that specific expertise is needed for many licenses, especially with reference to content. This expertise is in fact best found in the organisation's own university libraries.

As it turned out, however, the process of assembling ad hoc delegations on a case-by-case basis – negotiators being drawn from the ranks of university library managers – proved to be far too time-consuming. A more systematic approach was needed, and this is why Roel Tilly, of Maastricht University Library, has joined the UKB staff.

In addition, a network of contacts representing the various UKB libraries was created, consisting of professional experts and staff members responsible for the purchase of electronic information and the provision of electronic services. The UKB staff member and the contacts communicate with each other primarily through electronic distribution lists.

The UKB staff member first made an inventory of the specific needs and wishes of the various UKB libraries. He then compiled a report listing potential candidates for certain licenses. On the basis of these data, publishers and other information providers have been or will be approached and asked whether they are interested in a license. The next step, in the case of comprehensive licenses, is to form a negotiating delegation comprised of one or more university librarians and the UKB staff member responsible for licensing. If the licenses are relatively small-scale, the staff member can handle the negotiations himself, possibly with the assistance of one or more contacts.

The view of the UKB is that the consortium itself should take the initiative in approaching providers. The UKB often presents its own pricing proposals and models. This does not rule out, of course, providers also approaching the UKB with offers, which the UKB can then accept or reject after consulting with the UKB contacts. The numbers involved are so large that it is not always possible to respond to these offers in a systematic and satisfactory way.

If agreement is reached after one or more rounds of negotiations and consultations, the UKB enters into a master contract with the relevant provider. Within

the framework of this master contract, the provider then concludes bilateral agreements with each participating library. This procedure must be followed because the UKB, as a consortium of university libraries, is not a corporate body and does not conduct a separate financial administration of licenses.

Since UKB libraries vary in terms of size and user groups (university libraries cater to general, technical and specialised universities), licenses in practice rarely cover all UKB libraries, but rather the libraries join under ad hoc agreements that may include from two to fifteen participants.

The UKB is interested in meeting with a variety of potential partners. If periodicals are involved, the UKB usually addresses publishers directly, though licenses with agents such as Swets Blackwell and EBSCO are also possible. The UKB does not object to other routes (SURFdiensten, PICA, a bookstore franchise). The point of departure always remains to seek the shortest route - in terms of price/performance ratio - to the best license.

PRESENT STATE OF AFFAIRS

The current financial volume of licensing deals closed under UKB auspices is upwards of NLG 75 million. This is not the place to give an exhaustive overview of all licenses; the following list suffices:

List of licenses granted:

Swets Blackwell - handling of periodicals -	12 UKB libraries
Elsevier Science - access to all periodicals offered through Science Direct -	12 UKB libraries
Kluwer Academic - full set electronic periodicals -	10 UKB libraries
Highwire - a number of electronic periodicals -	6 UKB libraries
MCB - Emerald database -	being renewed
EBSCO - Academic Search Elite -	3 UKB libraries
EBSCO - Business Source Premier-	2 UKB libraries
Silverplatter - Inspec database -	5 UKB libraries
Kluwer Academic - abstracts -	license via PICA

Academic Press - abstracts -	license via PICA
Chadwyck Healy - abstracts -	license via PICA
Stern Verlag - books -	6 UKB libraries
ISI - Web of Science -	6 UKB libraries
UMI - ABI Inform -	3 UKB libraries
SDU - Opmaat -	11 UKB libraries

As stated before, these licenses are all master contracts that provide a framework for varying numbers of bilateral agreements. Access to the relevant files is sometimes direct, and if requested, access can also be realised through the PICA databases or Swetsnet.

Consultations are currently in progress with a large number of other providers. Of these we mention the following:

- ABC-Clio: Historical Abstracts, America: History and Life
- ACS, American Chemical Society
- American Psychological Association: PsychINFO
- Annual Reviews
- Blackwell
- Cambridge Scientific Abstracts
- Chadwyck Healy / Bell and Howell: PCI full text
- Chadwyck Healy - Acta Sanctorum
- Chemical Abstracts Service: SciFinder
- Dialog Online Databases
- JSTOR full set electronic periodicals
- Academic Press - idem
- Springer Verlag - idem
- Karger - idem
- Marcel Dekker - idem
- Wiley - idem
- Kluwer Rechtswetenschappen
- Lexis Nexis
- MathSciNet
- Nederlandse Pers Databank
- Nederlandse Boekverkoopersbond, Groep Wetenschappelijke Boekhandels

EXPERIENCES TO DATE / EVALUATION

The UKB's experiences with closing licensing deals as a consortium have been mixed. Although the above list shows that progress has been made, it must also be said that some agreements were reached only after prolonged and intensive negotiations. There are also examples of arduous negotiations which in the end failed to produce any results. Practice shows that it is not easy to have the UKB function as a consortium. This is due to a number of causes.

First of all, the UKB cannot rely on centralised financial support or any other form of government facilitation. All costs involved in closing licensing deals (for example, the salary and administration costs incurred by the UKB staff member) and the costs of the licenses themselves must be paid entirely by the UKB members. This means that licenses are only attractive if the price/performance ratio is as favourable as possible.

Since the UKB is not a corporate body, in nature negotiations always remain free of obligation to a certain degree. Sometimes it is not clear which libraries are prepared to commit to a certain negotiated result, because they remain autonomous parties who make their own decisions until they sign. For some libraries, it is very difficult to commit because the faculties, rather than the libraries themselves, have to bear the costs for the licenses. In those cases, the university library is financially dependent on the faculty's budget situation and decision-making process, which sometimes leads to complications and may frustrate efforts to approach the information providers with a clear sense of purpose.

Despite these difficulties, the UKB would like to continue in full force on its present course. In the first place, closing licensing deals provides the UKB with the opportunity to obtain scientific information at much more favourable conditions than would otherwise be possible. In addition, the UKB has observed that information and communication technology is increasingly saturating university education and research. The UKB believes that scientific information services should remain in step with these developments - and this is only possible if a large portion of the information needed can be offered in digital form.

For obvious reasons, most of the UKB's efforts have so far been focused on the larger commercial information providers. The UKB believed that it would be able to gain the best price advantages with those providers, both in absolute and relative terms. In addition, these information providers determine the volume of high-quality information. However, the UKB also realises that this policy has been formed by pragmatic considerations. As the UKB believes its commission is to support learned societies and non-profit publishers, it will in

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future have to focus more on obtaining scientific information from such institutions, in the hope and expectation that this will positively influence the development of information chains and scientific communication at the universities, as well as benefit the cost price of information.

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- 2 <<http://www.library.yale.edu/consortia/statement.html>>